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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,491

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Olexandr Ivanovich Kyrychenko

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EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

08/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,491	<b>Applicant(s)</b> KYRYCHENKO, OLEXANDR IVANOVICH	
	<b>Examiner</b> SUNIT PANDYA	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/24/09 has been entered.

### ***Response to Amendment***

This action is in response to amendments filed on 6/24/09, wherein the examiner acknowledges that applicant has canceled claims 8-19 and have added new claims 20-37; consequently, claims 20-37 are currently pending.

### ***Claim Objections***

Claim 21 is objected to because of the following informalities: The applicant has ended claims 21 with a comma instead of a period. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20-23, 25-27, 29 & 31-37 are rejected under 35 U.S.C. 102(b) as being anticipated by McCrea (US Patent 6,093,103).

Claim 20: McCrea discloses gaming equipment for table game which uses playing cards, wherein each card is encoded with an imprint value, said equipment includes a gaming table with areas for placement of playing cards (figure 1, element 220), a first card recognition unit for sensing the encoded imprint value of each card as it is drawn face down from a deck of playing cards (col. 6: 37-58 & col. 13-14: 58-11, wherein McCrea disclose a camera taking pictures of the cards being dealt), a second card recognition unit, independent of the first card recognition unit, for sensing the encoded imprint values of the cards after the cards have been drawn from the deck of cards (col. 14: 12-43, wherein McCrea discloses a second camera taking pictures of cards being put back into the shuffler), and a comparison unit for comparing the imprint values sensed by the first and second card recognition units respectively, and providing an indication in the event that the imprint values sensed by the second card recognition unit do not match the imprint values sensed by the first card recognition unit (col. 15: 6-30, wherein McCrea compares the image from camera one and camera two to prevent any cards from being added or subtracted).

Claim 21: McCrea discloses a card shoe for storage of playing cards and for distribution of playing cards, which are drawn face down from the shoe and placed on the gaming table (col. 13: 32-35).

Claims 22 & 23: McCrea et al. discloses first card recognition unit is associated with the card shoe, for sensing the encoded imprint value of each playing card as it is drawn from the shoe (col. 13-14: 58-11, wherein the sensor inherently senses when a card is being pulled from the shoe and captures an image of the card, see figure 13).

Claim 25: McCrea discloses a second card recognition unit configured to sense the encoded imprint values of cards face down on the gaming table (col. 7: 42-53).

Claim 26: McCrea discloses gaming table having multiple player sectors for respective players (figure 2, elements Pa-Pe), the equipment further comprises a player bet control unit and a player game control unit in each player sector (figure 2, element 210 & col. 6: 14-20).

Claim 27: McCrea discloses each player bet control unit comprising a control panel for entering commands pertaining to the player's bets (figure 2, element 210, wherein players place the chip they wish to wager).

Claims 29 & 31: McCrea discloses each player game control unit comprises a control panel for displaying and entering operating commands pertaining to the player's decisions regarding play of the game (figure 2, wherein players are dealt cards to play Black Jack and player's decision regarding the play of blackjack is entered).

Claim 32 & 33: McCrea discloses gaming table having a dealer sector and a credit control unit in the dealer sector, wherein player's bets are displayed for the dealer (figure 2 & figure 4).

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Claims 34-36: McCrea discloses gaming table having dealer sector a players' commands visualization unit in the dealer sector (figure 2, wherein players are dealt cards to play Black Jack and player's decision regarding the play of Black Jack is entered, i.e. hit or stay or double down etc.).

Claim 37: McCrea discloses cards are encoded with imprint values in human readable form, and the first and second card recognition units sense the human readable encoded imprint values of the cards (figures 3 & 13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28 & 30 are rejected under 35 U.S.C. 103(a) as being obvious over McCrea.

Claims 28 & 30: McCrea discloses gaming equipment for table game which uses playing cards. McCrea also discloses player bet control unit comprising, a control panel for entering operating commands pertaining to the player's bets. However, McCrea fails to disclose a touch sensitive panel for player input. It would have been obvious to one having ordinary skill in the art at the time of the invention to have implemented a touch screen instead of buttons or other such input devices, since it is well known in the art that touch screen are less prone to mechanical wear and tear than

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is common to buttons.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea in view of Uhland (US Patent 4,531,187).

Claim 24: McCrea discloses identifying the face down cards as they leave the shoe and as they are returned to the shoe and furthermore sensing and making sure that the proper cards are dealt to the right players (e.g. right card holder places). McCrea, however fails to disclose an optical electronic device located above the gaming table for processing images of a playing cards face up.

In an analogous art, Uhland teaches a system for a Black Jack table that comprises a video monitor means for generating a digital representation of the cards dealt to the players and the dealer. The system includes optically monitoring the cards played and converting the images into a numeric representation of each player and of the dealer's cards (col. 3-4: 11-55 & col. 5: 1-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the gaming system disclosed by McCrea with the card registration and recognition system taught by Uhland, to provide a more secure Black Jack system so as to check the face up cards to the dealt cards, to provides added security and prevents dealer mistakes (Uhland col. 1: 23-27, e.g. the more error free the monitoring system the more accurate the game system will be).

### ***Response to Arguments***

Applicant's arguments with respect to claims 20-37 have been considered but are moot in view of the new ground(s) of rejection.

In the rejection above the examiner has cited particular figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety, including the incorporated references, as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-Th 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/  
Primary Examiner, Art Unit 3714

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